

REMARKS

Claims 11-24 and 35-68 are pending in this application. Claims 11, 55 and 62 are currently amended. No new matter has been added by way of these amendments.

The Office Action Was Improperly Made Final

As an initial matter, Applicant respectfully submits that the Office Action was improperly made final. Applicant previously requested an interview and submitted an Applicant Initiated Interview Request form concurrent with filing the Response Amendment on September 1, 2005. The Examiner made the Office Action final without scheduling or conducting an interview with the Applicant, to which Applicant is entitled. Applicant nevertheless has concurrently filed a Request for Continued Examination. In the event the Examiner finds the application is not in a condition for allowance after considering this amendment, Applicant respectfully requests that the Examiner schedule an interview with the Applicant to discuss the allowability of the claims over the cited references.

Claim Rejections Under 35 U.S.C. 112

The Examiner rejected claims 11-24, 49-51 and 55-67 under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement. Applicant respectfully traverses the Examiner's rejections. However, in furtherance of prosecution, Applicant has clarified claims 11, 55 and 62 as suggested by the Examiner. Claims 12-24 and 49-51 depend from claim 11, claims 56-61 depend from claim 55 and claims 63-67 depend from claim 62. Accordingly, Applicant submits that claims 11-24, 49-51 and 55-67 are enabled. No change in claim scope is intended.

The Examiner rejected claims 11-24, 35-48, 49-51, and 52-68 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully traverses the Examiner's rejections. The Examiner contends the claims 11-24, 35-48, 49-51 and 52-68 are indefinite because the claims 11, 35 and 55 recite, "in response to at least the

information packet and a state of the information processing system ..." (or similar language), but do not recite an action performed accordingly.

Applicant notes that the claimed subject matter relates primarily to the computer arts and, as such, the claims recite certain phrases are well understood by those of skill in the art. For example, it is well understood that "when" followed by a condition and an action means that the computer system is configured to perform the action when the condition is satisfied. Applicant's representative invites the Examiner to discuss such phrases further if, after reading the enclosed explanation, the Examiner still believes such phrases are indefinite or somehow vague.

Turning to the claims, claims 11, 35, 55 and 62, as amended, recite, "in response to at least the information packet and a state of the information processing system, when the state of the information processing system is a first state, selectively output the information packet, such that the output information packet bypasses the first local area network; and when the state of the information processing system is a second state, selectively execute a software application associated with the information packet" (or similar language). Applicant submits that the action to be performed is specified, and that one of skill in the art, after reviewing the specification, would have understood the action to be performed. Namely, to "selectively output" and/or to "selectively execute." Claims 12-24 and 49-51 depend from claim 11, claims 36-48 and 52-54 depend from claim 35, claims 56-61 depend from claim 55 and claims 63-67 depend from claim 62. Accordingly, Applicant respectfully submits that claims 11-24, 35-48, 49-68 are sufficiently definite.

#### Rao Does Not Teach, Suggest or Motivate the Subject Matter of the Claims

The Examiner rejected Claims 11-18, 20-24, 35-42, 44-48, 49-57, 59-64 and 66-68 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 8,850,531 issued to Rao et al. The Examiner rejected claims 19, 43, 58 and 65 under 35 U.S.C. § 103(a) as rendered obvious by Rao. Applicant respectfully traverses the Examiner's rejections.

Independent claim 11, as amended, and independent claim 55 recite, "receiving an information packet through a global computer network ... in response to the information packet

... selectively execute a software application associated with the information packet.” Independent claim 35, as amended, recites, “receiving an information packet from a first local area network coupled to a global computer network ... in response to the information packet ... selectively executing a software application associated with the information packet.” Independent claim 62, as amended, recites, “respond to an information packet received through ... a global computer network by ... selectively executing a software application associated with the information packet.”

The Examiner identifies either forwarding module 10 or system control module 14 of Rao as the claimed first computing device. (See Paragraph 4 of the Office Action, which cites to portions of Rao discussing forward module 10 and system control module 14 of Figure 1). The Examiner points to the fault tolerant application manager FTAM 36 of Rao as the claimed software application, citing the accompanying description thereof at column 8, line 63 through column 9, line 26. In Rao, each card in the chassis runs an FTAM. Software applications register with the FTAM to receive notification of detected faults. The detection of faults on other cards is based on “hello” messages. When an expected “hello” message from another card is not received by the FTAM, the FTAM marks that card as down. The detection of local faults on a card is performed by link and port drivers, which broadcast a link failure message to the FTAM. There is no discussion in the cited portion of Rao of the forwarding module 10 or the system control module 14 executing the FTAM in response to an information packet, whether received through a global computer network or through a first local area network. Thus, neither forwarding module 10 nor system control module 14 of Rao “selectively execute a software application,” as recited by the Applicant’s amended claims. Thus, Rao cannot possibly teach, suggest or motivate the computing device, methods or memory medium as recited by Applicant’s claims.

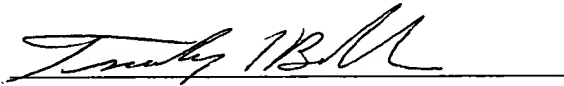
Claims 12-24 and 49-51 depend from claim 11, claims 36-48 and 52-54 depend from claim 35, claims 56-61 depend from claim 55 and claims 63-68 depend from claim 62. Thus, dependent claims 12-24, 49-51, 36-48, 52-54, 56-61 and 63-68 are allowable over Rao for at least the same reasons as for the claims from which they depend.

Therefore, for these reasons and others, since Rao does not teach, suggest or motivate one or more elements or acts of each of Applicant's claims 11-24 and 35-68, Applicant's claims are not anticipated or rendered obvious by Rao. In the event the Examiner disagrees or finds minor informalities, Applicant respectfully requests a telephone interview to discuss the Examiner's issues and to expeditiously resolve prosecution of this application. Accompanying this Amendment is a Second Applicant Initiated Interview Request Form in the event the Examiner does not agree that the claims are allowable over the cited references.

In closing Applicant respectfully requests the Examiner to enter these amendments and to reconsider this Application and its early allowance. The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

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